

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CONOCOPHILLIPS PETROZUATA B.V.,  
CONOCOPHILLIPS HAMACA B.V.,  
CONOCOPHILLIPS GULF OF PARIA B.V.,  
and CONOCOPHILLIPS COMPANY,

*Plaintiffs,*

V.

BOLIVARIAN REPUBLIC OF VENEZUELA,

*Defendant.*

C.A. No. 1:22-mc-00464-LPS

## NOTICE OF APPEAL

Pursuant to Federal Rules of Appellate Procedure 3 and 4 and the collateral order doctrine, notice is hereby given that Petróleos de Venezuela, S.A. (“PDVSA”), intervenor in the above-captioned action, hereby appeals to the United States Court of Appeals for the Third Circuit from the Oral Order of this Court dated December 14, 2023 [D.I. 39], the accompanying Memorandum Order dated December 20, 2023 [D.I. 40] (collectively, the “Order”), and all orders and opinions giving rise to the Order. Among other things, the Order denied PDVSA’s cross-motion to dismiss for lack of subject matter jurisdiction under the Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1330, 1602, *et seq.*

Because the Order denied PDVSA's sovereign immunity, it is immediately appealable under the collateral order doctrine. *OI European Grp. B.V. v. Bolivarian Republic of Venezuela*, 73 F.4th 157, 175 (3d Cir. 2023); *Crystallex Int'l Corp. v. Bolivarian Republic of Venezuela*, 932 F.3d 126, 136 (3d Cir. 2019). PDVSA is appealing only the denial of its sovereign immunity in this interlocutory appeal, and is not appealing any other issues at this time. *OIEG*, 73 F.4th at 176.

Dated: January 10, 2024

HEYMAN ENERIO GATTUSO & HIRZEL LLP

*/s/ Samuel T. Hirzel*

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